



Reprinted
January 23, 2004

SENATE BILL No. 85

DIGEST OF SB 85 (Updated January 22, 2004 2:14 pm - DI 71)

Citations Affected: IC 9-30.

Synopsis: Open alcoholic beverage containers. Creates exceptions to the law concerning open alcoholic beverage containers in motor vehicles. Removes the requirement that in proving a violation of the open alcoholic beverage container law the state must show that the driver of the motor vehicle had a minimum level of alcohol concentration in the driver's blood or breath. Specifies that a violation of the open alcoholic beverage container law occurs while the motor vehicle is on the right-of-way of a public highway even if the vehicle is not in operation.

Effective: July 1, 2004.

Wyss, Antich, Craycraft, Lutz L,
Sipes, Landske, Meeks C, Meeks R,
Paul, Zakas, Waterman

December 2, 2003, read first time and referred to Committee on Transportation and Homeland Security.
January 15, 2004, reported favorably — Do Pass.
January 22, 2004, read second time, amended, ordered engrossed.

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SB 85—LS 6255/DI 105+



Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 85

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-15-3, AS AMENDED BY P.L.1-2000,
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 3. (a) **This section does not apply to the**
4 **following:**

5 (1) **The possession of a container by a person who is not the**
6 **driver of a motor vehicle:**

7 (A) **in the passenger compartment of a motor vehicle**
8 **designed, maintained, or used primarily for the**
9 **transportation of persons for compensation; or**

10 (B) **in the living quarters of a house coach or house trailer.**

11 (2) **A container located in a locked glove compartment.**

12 (3) **A container located:**

13 (A) **behind the last upright seat; or**

14 (B) **in an area not normally occupied by a person;**

15 **in a motor vehicle that is not equipped with a trunk.**

16 (b) **The operator driver of a motor vehicle who has an alcohol**
17 **concentration equivalent to at least four-hundredths (0.04) gram of**

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1 alcohol per one hundred (100) milliliters of the blood; or per two
 2 hundred ten (210) liters of the breath; and who, while the motor vehicle
 3 is in operation ~~knowingly~~ **or while the motor vehicle is located on the**
 4 **right-of-way of a public highway**, allows a container:

5 (1) that has been opened;

6 (2) that has a broken seal; or

7 (3) from which some of the contents have been removed;
 8 to be in the passenger compartment of the motor vehicle commits a
 9 Class B infraction.

10 (c) If a person is found to have a previous unrelated judgment under
 11 this section or a previous unrelated conviction or judgment under
 12 IC 9-30-5 within twelve (12) months before a violation that results in
 13 a judgment under this chapter, the court may recommend the person's
 14 driving privileges be suspended for not more than one (1) year.

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SENATE MOTION

Madam President: I move that Senator Waterman be added as coauthor of Senate Bill 85.

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COMMITTEE REPORT

Madam President: The Senate Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 85, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 85 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 0.

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SB 85—LS 6255/DI 105+



SENATE MOTION

Madam President: I move that Senate Bill 85 be amended to read as follows:

Page 1, line 6, delete "operator" and insert "**driver**".

Page 1, line 16, strike "operator" and insert "**driver**".

(Reference is to SB 85 as printed January 16, 2004.)

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